IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.MC.No. 3989 of 2006()

CC.469/2005 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA

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PETITIONERS:

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1. JAYA JOSEPH, AGED 26 YEARS,
D/O.V.JOSEPH, RESIDING AT ULAKANTHARA HOUSE,
SOUTH JANATHA ROAD, PALARIVATTOM P.O.,
COCHIN-682 025.

2. HECTOR JOHN, AGED 32 YEARS,
S/O.K.M. JOHN, RESIDING AT THAYIL KUCHUKUNNEL
HOUSE, VAZHAKULAM P.O., VIA MUVATTUPUZHA,
ERNAKUALM DISTRICT.

3. K.M. JOHN, AGED 59 YEARS,
RESIDING AT THAYIL KUCHUKUNNEL HOUSE,
VAZHAKULAM P.O., VIA.MUVATTUPUZHA,
ERNAKULAM.

4. THRESIAKUTTY JOHN, AGED 53 YEARS,
W/O.K.M.JOHN, RESIDING AT THAYIL KOCHUKUNNEL
HOUSE, VAZHAKULAM P.O., VIA MUVATTUPUZHA,
ERNAKULAM.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI
PETITIONERS 2 TO 4 BY ADV. SRI.A.K.SRINIVASAN

RESPONDENTS: COMPLAINANT;

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSEUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3989 OF 2006

Dated this the 7th day of December, 2006.

ORDER

The petitioners have come before this Court with a prayer that a prosecution initiated against petitioners 2 to 4 - husband and parents of the husband of the 1st petitioner-wife, may be quashed on the ground that the parties have settled their disputes and the 1st petitioner has compounded the alleged offence committed by petitioners 2 to 4. Investigation commenced on the basis of a complaint filed by the 1st petitioner. After investigation, final report was filed. Cognizance was taken by the learned Magistrate and the matter is pending before the learned Judicial First Class Magistrate Court, Muvattupuzha. Cognizance has been taken and the offence is punishable under Section 498 (A) read with 34 I.P.C.

2. The petition filed by the petitioners, duly counter signed by their respective counsel and the submissions made by the learned counsel for the petitioners at the Bar make it clear beyond the pale of controversy that the matter has been settled between the parties and the 1st petitioner has compounded the alleged offence committed by petitioners 2 to 4. The offence

under Section 498 A I.P.C is, of course, a non compoundable offence. But it is now trite that powers under Section 482 Cr.P.C - the inherent jurisdiction of this Court, can be invoked to quash prosecution of non compoundable offences also. In **B.S.Joshy v. State of Haryana** [A.I.R (2003) SC 1386], the Supreme Court has made the decision very clear. The interests of justice do at times transcend the interests of mere law and that is the rationale or justification for invocation of such powers. The spouses having settled their disputes harmoniously, I am satisfied that the dictum in **B.S. Joshy v. State of Haryana** supra also can safely be invoked to bring the prosecution to a premature termination.

3. In the result:

i) This Crl.M.C is allowed;

ii) C.C.No.469 of 2005 pending before the Judicial First Class Magistrate Court, Muvattupuzha is hereby quashed.

4. Hand over a copy of this order to the learned counsel for the petitioners.

R.BASANT
JUDGE

rtr/